

Remarks

Reconsideration of the above-identified application in view of the present amendment and the following remarks is respectfully requested.

Claims 1-18 were pending in the application. By this paper, Applicants have added claims 19 and 20. Also, Applicants have amended the specification and claim 17 to overcome clerical errors. No new matter has been introduced by virtue of the present amendment. After entry of this Amendment, claims 1-20 will be pending.

Claims 1-18 were rejected under 35 U.S.C. § 103 as being unpatenable over U.S. Patent No. 6,204,209 to Rozek et al., hereinafter "*Rozek*" in view of U.S. Patent No. 5,977,244 to Kohlhammer et al., hereinafter "*Kohlhammer*". Applicants respectfully traverse this rejection.

The present invention is directed to an automotive interior panel made out of a dry acrylic polystyrene copolymer reinforced polyester substrate. The panel of the present invention offers 100% recyclability, improved user-friendly handling, and does not have any post processing odor.

Applicants invention is embodied in three independent claims - claims 1, 10 and 14. Each of these claims recite at least one substrate layer having a polyester mat comprising acrylic polystyrene copolymer. The prior art does not teach the present invention.

Specifically, the combination of *Rozek* and *Kohlhammer* does not fairly teach, disclose or suggest the present invention.

As acknowledged in the Office Action, *Rozek* does not teach the use of an acrylic polystyrene copolymer with its fibrous polyester mat. This is not surprising since it is important that the fibrous mat in *Rozek* be porous. (See Abstract, Column 1, Line 66

through Column 2, Line 4, and Column 2, Lines 48-48.) The reason for *Roze*'s use of porous fibrous layer is to provide improved sound absorption characteristics.

Notwithstanding *Roze*'s interest in providing a headliner having a porous fibrous mat, the Patent Office attempts to overcome the deficiencies of *Roze* by combining it with *Kohlhammer*. In the Office Action, the Patent Office states that:

Kohlhammer et al. specifically teaches that powdered binders are for several advantages over aqueous binders such as eliminating the energy-intensive drying step and the waste water treatment. (Column 5, lines 21-30).

Therefore, motivated to avoid drying and waste water treatment it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the powdered binders taught by Kohlhammer as the binder for the porous and reinforcing fibrous layers in the acoustical composite headliner of *Roze* et al.

Applicants take exception with the above assertion for several reasons. To begin with, it is immaterial that *Kohlhammer* may teach the advantage of powdered binders over aqueous binders. The *Roze* reference does not disclose the use of any binders, let alone any aqueous binders. Thus, there is no motivation to avoid drying and waste water treatment since those steps would not be incident to *Roze*. Also, the purpose of *Roze* is to have porous fibrous layer for acoustical purposes. *Roze* would not be motivated to introduce any dry copolymer into the mat. *Roze* specifically states that this type of construction is undesirable at column 1, lines 8-16. Thus, *Roze* actually teaches away from the combination advanced by the Patent Office. Accordingly, there is no motivation in the prior art to combine these references and as such the combination of *Roze* with *Kohlhammer* is improper.

Accordingly, Applicants respectfully submit that the 35 U.S.C. § 103 rejection of claims 1-18 be withdrawn.

While the dependent claims are allowable because they depend either directly or indirectly from the independent claims, for the purpose of completeness, Applicants wish to point out that these claims are also patentable for the limitations that they separately recite.

For instance, claim 3 recites that the panel comprises two additional substrate layers having polyester mats with acrylic polystyrene copolymer. This limitation is not disclosed taught or suggested by the prior art.

Claim 5 recites that the substrate layer comprises 10% to 80% dry acrylic polystyrene copolymer by weight. Claim 6 recites that the substrate layer comprises 30% dry acrylic polystyrene copolymer by weight. These limitations are not disclosed, taught or suggested by the prior art.

Claim 11 recites that the multi-layer panel further comprises an outer cover stock layer and an adhesive layer for adhering the cover stock layer to the fiber layer. This limitation is not disclosed, taught or suggested by the prior art. Specifically, *Rozek* discloses a fibrous layer with foam layers on either side. *Rozek* then had an additional rigid foam layer followed by a second fibrous mat, and then a decorative cover attached to the second fibrous mat. This structure is entirely different from the structure recited in claim 11.

Claim 20, which depends from independent claim 14 and dependent claim 19, recites a headliner comprising an outer coverstock layer, an adhesive layer, a fiber layer comprising dry acrylic polystyrene copolymer, and a substrate layer having a polyester mat comprising dry acrylic polystyrene copolymer, wherein both the substrate layer and the fiber layer comprises 10% to 80% of dry acrylic polystyrene copolymer by weight, and wherein the adhesive layer is disposed between and connects the cover stock layer with the fiber layer and the fiber layer is adjacent the substrate layer.

Claim 20 is not disclosed, taught or suggested or in the prior art.

Applicants submit that the claims are in condition for allowance and respectfully request a notice to that effect. If the Examiner believes that a telephone conference will advance the prosecution of this application, such a conference is invited at the convenience of the Examiner.

Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

FREDERICK L. HJORTSBERG

By 

Michael S. Brodbine
Reg. No. 38,392
Attorney for Applicant

Date: November 5, 2003

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351